

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ASSENTED-TO MOTION TO EXCLUDE THE TIME  
FROM FEBRUARY 4, 2008 THROUGH MAY 5, 2008,  
AND FOR AN ORDER ON EXCLUDABLE DELAY

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on February 4, 2008 and concluding on May 5, 2008.

As grounds therefor, the undersigned states that today the Court rescheduled the February 4, 2008 trial date in this case to May 5, 2008, due to the Court's and counsels' busy trial schedules in other non-related matters as well as other pressing conflicting matters.

Counsel for Defendant, Oscar Cruz, Jr., Esq., has given his assent to this motion.

WHEREFORE, the government respectfully requests, under 18 U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice are served by

granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on February 4, 2008, and concluding on May 5, 2008**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/Antoinette E.M. Leoney  
ANTOINETTE E.M. LEONEY  
Assistant U.S. Attorney  
(617) 748-3103

Dated: January 29, 2008

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by electronic court filing:

Oscar Cruz, Jr., Esq.  
Federal Defender Office  
408 Atlantic Avenue, 3<sup>rd</sup> Floor  
Boston, MA 02210

Date: January 29, 2008

/s/Antoinette E.M. Leoney  
ANTOINETTE E.M. LEONEY  
Assistant U.S. Attorney